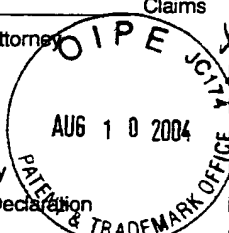


JH Ref P69477458 Today's Date 8/10/04
Patent No. 10/642,568
Applicant, Patentee, Assignee E. STÖTZER
Filing Date/Patent Date February 27, 2004

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☐ _____ pp. Specification & _____ Claims ☐ Response to Office Action
☐ Combined Declaration, Power of Attorney ☒ Disclosure Statement-IDS
☐ Preliminary Amendment ☒ Copies of References 7 Refs.
☐ Rule 53 (b) Application ☐ Request for Refund
☐ Rule 53 (d) /RCE Application ☐ Request for Corrected Filing Receipt
☐ Claim to Priority and Certified Copy ☐ Petition for XOT
☐ Substitute ☐ Subsequent Declaration ☐ Notice of Appeal/Brief
☐ Maintenance Fee ☐ Sequence Listing
☐ Drawings _____ Sheets _____ Formal _____ Informal ☐ Issue Fee Transmittal
☐ Assignment/Change of Name ☐ Other _____
☐ Small Entity Declaration
☐ Check for \$ _____



JH 11/01 DUE DATE _____
Person filing Ben/11/04

JACOBSON HOLMAN PLLC
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WASHINGTON, D.C. 20004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Erwin STÖTZER

Serial No. 10/642,568

Filed: February 27, 2004

For: METHOD AND DEVICE FOR
MAKING A FOUNDATION
MEMBER



Confirmation No.:

Art Unit: NOT YET ASSIGNED

Examiner: NOT YET ASSIGNED

Atty Docket: P69477US0

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As a continuing means of complying with the duty of disclosure under 37 C.F.R. §1.56, and in accordance with 37 C.F.R. §§1.97 and 1.98, Applicant through his undersigned attorney, submits this Information Disclosure Statement for the Examiner's consideration. Documents AA and AB are discussed in the present specification at page 1. Documents AC through AG were cited in an Office Action in the corresponding German priority application. Copies of these patents are submitted herewith and are listed on the attached Form PTO-1449.

RELEVANCE OF THE DOCUMENT

Documents AA and AB were discussed in the present specification at page 1. Documents AC and AG were cited in an Official Action in the corresponding German priority application. No English translations are provided for any of these documents, as no translation is within the

possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c). See MPEP 609.

Documents AC through AG are discussed below as to their relevance to the present invention.

DE 195 30 827 A1 discloses a slurry cutoff trenching as a two-face lift and a binder-infilling operation. In a two-phase system, a supporting suspension is circulated in a separating cycle in a first phase. In a second phase, the supporting suspension is displaced by a settable binding agent-soil-mixture is supplied to a mixing cycle.

DE 40 08 207 A1 discloses a method for constructing a retention wall, wherein a trench wall is excavated by a trench wall cutter and the trench wall is supported by a suspension. Binding agents or solids are fed into the suspension, while the suspension is circulated with a pump of the trench wall cutter in order to obtain a homogenous suspension.

DE 199 28 287 A1 describes a method for disposing of excavated waste material by conveying the material to a buffer container for entry to a drum washer, where coarse particles are separated from finer particles and an overflow is supplied to a hydro-cyclone screen apparatus.

DE 100 21 549 A1 describes a one-phase method for the construction of foundation elements supported by a suspension. The suspension used as a supporting liquid during the excavation remains in the excavated cavity and sets to the foundation element.

DE 41 41 629 C2 discloses a method for construction of a subterranean curtain wall, which uses a self-hardening circulating suspension enriched with fine ground materials, to form a homogeneous wall material.

The present invention is distinguishable over the cited prior art because of the following features of the present invention. The present relates to a device for making a foundation

member in the ground; having a soil working implement for loosening the soil material in a soil area; a supply device for supplying a liquid to the loosened soil material; and a mixing device for mixing the loosened soil material in the soil area with said liquid to form a settable suspension. Such a device has a removal device for removing suspension from a first section of the soil area; and a return device for returning at least part of the removed suspension to a second section of the soil area. The present invention also relates to a method for making a foundation member in the ground.

Since this Information Disclosure Statement is being submitted before the mailing of the first Office Action on the merits, it is believed no fee is due. Accordingly, it is submitted that no fees are due in accordance with 37 C.F.R. §1.97(d) and (e). If there are any fees due in connection with the filing of this Information Disclosure Statement, please charge these fees to our Deposit Account No. 06-1358.

CONCLUSION

In accordance with 37 C.F.R. §1.97 (h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited herein is, or is considered to be, material to the patentability as defined in 37 C.F.R §1.56(b). Further, Applicant does not waive any rights to appropriate action to establish patentability over the listed documents should they be applied as references against the claims of the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and to similarly indicate in the official file wrapper of this patent application that the attached documents have been considered. If the Examiner has any questions or wishes

to discuss this application, the Examiner is invited to telephone the undersigned representative at the number set forth below.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

Date: August 10, 2004

Customer No. 00136

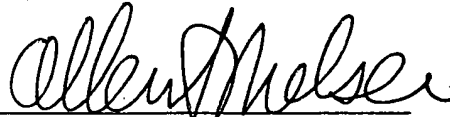
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Attorney's Docket No. P69477US0

ASM/jjk

By: 
Allen S. Melser
Reg. No. 27,215

Form PTO-1449

Information Disclosure Citation

Atty Docket:
P69477US0Application No.
10/786,600Applicant
Erwin STÖTZERFiling Date
02/26/04Group Art Unit
NOT YET ASSIGNED

U.S. Patent Documents

| Examiner Initial | Patent Number | Date | Name | Class | Sub- Class | Filing Date |
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Foreign Patent Documents

| | Document Number | Date | Country | Class | Sub- Class | Trans- lation |
|----|--------------------|----------|---------|-------|---------------|------------------|
| AA | 42 19 150 C1 | 09/23/93 | GERMANY | E02D | 5/36 | NO |
| AB | 198 25 169 C2 | 10/03/03 | GERMANY | E02D | 3/12 | NO |
| AC | 195 30 827 A1 | 12/28/00 | GERMANY | E02D | 5/18 | NO |
| AD | 40 08 207 A1 | 08/23/90 | GERMANY | E02D | 17/13 | NO |
| AE | 199 28 287 A1 | 12/28/00 | GERMANY | B03B | 9/00 | NO |
| AF | 100 21 549 A1 | 10/25/01 | GERMANY | E02D | 5/38 | NO |
| AG | 41 41 629 C2 | 02/20/97 | GERMANY | E02D | 19/16 | NO |
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Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)

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Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.